

**FOURTH AMENDMENT TO RESTATED AND
AMENDED CHARTER SCHOOL CONTRACT**

THIS FOURTH AMENDMENT to the Restated and Amended Charter School Contract (herein "Contract") is made and entered into effective the 10th day of May, 2012, by and between the Cherry Creek School District No. 5 (herein the "District") and the Cherry Creek Academy, Inc., (herein "CCA").

RECITALS

WHEREAS, THE District and the CCA did enter into a Restated and Amended Charter School Contract dated February 14, 2000, which granted CCA a renewal of its 1995 charter to operate a Charter School within the District; and

WHEREAS, pursuant to the provisions of Paragraph (8)(k) of the Charter School Contract, the term thereof terminated, if not before, on June 30, 2005; and

WHEREAS, pursuant to the provisions of C.R.S. 22-30.5-104(4.5)(b), in order to enhance the terms of its financial obligations, CCA has requested the District to approve an extension of the term of its charter to and including June 30, 2030, which will allow CCA to participate in the sale of certain bonds to provide financing for its facility (Anticipated Bonds); and

WHEREAS, the parties hereto recognize that an extension of the Charter term as requested by CCA requires not only current but periodic reviews of and possible amendments to the Contract to comply with and accommodate changes in state and federal statutes, District policies, and changed circumstances.

AGREEMENT

NOW, THEREFORE, in consideration of the promises, mutual covenants herein contained and other good and valuable consideration, IT IS AGREED AS FOLLOWS:

- A. The Charter School Contract, including all of its amendments, between the District and the CCA is modified as hereinafter set forth. Paragraph and Section numbers hereinafter referenced relate and refer to the same paragraph and section numbers of the Contract unless otherwise specifically specified. In the event of any conflict with the existing Contract provisions and the following modifications, the following modifications shall control:
1. Section (3). Community Support, contained in the Charter School Contract and Third Amendment dated June 22, 2011, is amended by the following revision to the enrollment of students to read:

"...3. Community Support: The BOE finds that sufficient support for the renewal of the CCA Charter School Contract appears to exist, as evidenced by the current student

enrollment. The maximum enrollment shall be **reviewed and agreed-upon by the parties from time to time**, but in no event shall the same exceed the maximum occupancy limit of the charter school facility. **The parties have agreed to increase the student enrollment at the CCA from the current limit of 460 students to a new limit of 588 students.**”

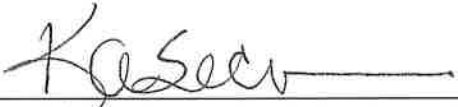
- B. Except as herein specifically modified or amended, all of the terms, conditions and obligations of the Contract remain in full force and effect.

IN WITNESS WHEREOF the parties hereto have set their hands and seals effective the day and year first above-written.

FOR THE CHERRY CREEK SCHOOL DISTRICT NO. 5

By: 
President, Board of Education

FOR THE CHERRY CREEK ACADEMY

By: 
President, Cherry Creek Academy Senate

ATTEST:


Notary Public

My Commission Expires:

2-9-2014
Date

